



RESPONSES TO INFORMATION REQUESTS (RIRs)

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Belarus: The criminal charges that would have been laid under Article 361 part 2 of the Criminal Code of Belarus in July 2002; circumstances in which authorities would use this section; whether English wording of this section can be obtained

Research Directorate, Immigration and Refugee Board, Ottawa

Article 361 of the Criminal Code of Belarus, as adopted on 9 July 1999, reads as follows:

[translation]

Article 361. Appeal to overthrow or change the constitutional order of the Republic of Belarus or to carry out crimes against the government.

1. Public appeal to violent usurpation of power or change to the constitutional order of the Republic of Belarus, or a change of the government, or the carrying out of a terrorist act or sabotage, be it whether the disseminating of materials, containing such incitements -- are punishable by limited freedom [i.e. house arrest, probation] for a period of up to three years or by imprisonment for the same period.

2. Those actions carried out by means of mass information are punishable by a deprivation of freedom for a period of one to five years (Legislationline.org 11 Aug. 2004).

According to a staff attorney at the American Bar Association Central European and Eurasian Law Initiative (CEELI), a public service project devoted to legal and judicial reform in Eastern Europe, while there have been several amendments to the Criminal Code since 9 July 1999, Article 361, including part 2, have remained in effect until the present day.

Further information indicating the circumstances under which this section would be used could not be found among the sources consulted by the Research Directorate within time constraints.

This Response was prepared after researching publicly accessible information currently available to the Research Directorate within time constraints. This Response is not, and does not purport to be, conclusive as to the merit of any particular claim for refugee protection. Please find below the list of additional sources consulted in researching this Information Request.

References

American Bar Association Central European and Eurasian Law Initiative (CEELI). 30 September 2004. Written correspondence from staff attorney.

Legislationline.org. 11 August 2004. *Criminal Code (adopted on 9 July 1999)* (in Russian). "Article 361." <<http://www.legislationline.org/view.php?document=60746>> [Accessed 23 Sept. 2004]

Additional Sources Consulted

Internet Sites, including: Belarus Ministry of Justice, Belarus National Centre of Legal Information, UNHCR Legal Database.

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